## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

T. Terell Bryan, # 254638, aka Terence	)
Bryan, aka Terence Terell Bryan	) C.A. No. 4:08-3556-TLW
Plaintiff,	) )
VS.	) ORDER
	)
D. Tatarsky and Ofc. Buehler,	)
Defendants.	)
	)

This matter is now before the undersigned for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In his Report, Magistrate Judge Rogers recommends that plaintiff's motion for Temporary Restraining Order to have the defendants provide "up-to-date" legal materials and stop them from "taking budget cuts interfering with i/m access to courts" be denied. (Doc. # 108). During the time period for filing objections, Plaintiff filed a letter addressed to the clerk requesting a two month stay of his case. (Doc. # 128).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The

<sup>&</sup>lt;sup>1</sup>This letter has been docketed as motion to continue. The Court will consider this letter/motion as objections to the Report. Accordingly, the Court will review the Report under a <u>de novo</u> standard.

Court is required to make a de novo determination of those portions of the report or

specified findings or recommendation as to which an objection is made. However,

the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and

Recommendation to which no objections are addressed. While the level of scrutiny

entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept,

reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations

omitted).

In light of this standard, the Court has reviewed, <u>de novo</u>, the Report and the objections

thereto. The Court accepts the Report

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is

ACCEPTED (Doc. # 108); plaintiff's objections are OVERRULED (Doc. # 128); and plaintiff's

motion for Temporary Restraining Order to have the defendants provide "up-to-date" legal materials

and stop them from "taking budget cuts interfering with i/m access to courts" is **DENIED**. (Doc.

# 49).

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

March 5, 2010

Florence, South Carolina

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